

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

In re: BAIR HUGGER FORCED  
AIR  
WARMING DEVICES PRODUCTS  
LIABILITY LITIGATION

**MDL No. 15-2666 (JNE/DTS)**

This document relates to:

Judge: Joan N. Ericksen  
Mag. Judge: David T. Schultz

Pratt v. 3M Company, et al. Cause  
No. 17-cv-03952

**PLAINTIFFS' OPPOSITION TO DEFENDANT'S**  
**MOTION TO DISMISS**

COMES NOW Plaintiffs Debra Pratt and Gaylon Pratt and in response to Defendants' Motion to Dismiss for failure to comply with Pre-Trial Order 14 (1240, 1241), states:

1. Counsel for Plaintiff has been advised of alleged deficiencies in the submitted Plaintiff Fact Sheet (PFS).
2. Plaintiff and their counsel have repeatedly attempted to correct the deficiencies, as is evidenced by the multiple PFS forms submitted. Despite multiple attempts (five total through June 20, 2018), Defendants continued to allege deficiencies.
3. Counsel for Plaintiffs sent an email to Defendants on May 16, 2018 stating they had cured the deficiencies based on their April 25, 2018. See Exhibit "A" attached hereto.
4. On May 16, 2018, counsel for Defendants replied to counsel for Plaintiffs email specifically detailing what the deficiencies were. See Exhibit "B" attached hereto.
5. On May 22, 2018, counsel for Plaintiffs amended the PFS pursuant to the deficiencies outlined in counsel for Defendant email. See Exhibit "C" attached hereto.
6. On June 13, 2018, Plaintiffs' Liaison Counsel sent an email stating that

“persistent deficiencies” were still pending on this matter based on the April 15, 2018 correspondence sent to Plaintiffs’ counsel, after the deficiencies were cured on May 16, 2018. See Exhibit “D” attached hereto.

7. On June 20, 2018, in a good faith effort to insure that the PFS was not lacking, counsel for Plaintiffs re-submitted the PFS. See Exhibit “E” attached hereto.

8. With regard to these deficiencies, they are de minimus at their worst. As of this Response, these specific deficiencies have been corrected, twice, and an amended PFS served.

9. Given the nature of the deficiencies and Plaintiff’s repeated good faith attempts to cure them, Plaintiff requests this Court deny Defendants Motion to Dismiss with Prejudice.

WHEREFORE, Plaintiffs Debra Pratt and Gaylon Pratt pray this Court deny Defendants Motion to Dismiss with Prejudice.

Respectfully submitted,

**BRENT COON & ASSOCIATES**

*/s/James A. Morris, Jr.*

Texas Bar No. 14487050  
4111 W Alameda Ave, Ste 611  
Burbank, CA 91505  
Telephone: (747) 283-1144  
Facsimile: (747) 283-1143  
Email: jim.morris@bcoonlaw.com

**ATTORNEY FOR PLAINTIFF**